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12 Attorneys for Plaintiff
13 GRANITE ROCK COMPANY

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 GRANITE ROCK COMPANY,

18 Plaintiff,

19 v.

20 INTERNATIONAL BROTHERHOOD
21 OF TEAMSTERS, FREIGHT,
22 CONSTRUCTION, GENERAL
23 DRIVERS, WAREHOUSEMEN AND
24 HELPERS, LOCAL 287;
25 INTERNATIONAL BROTHERHOOD
26 OF TEAMSTERS,

27 Defendants.

Case No. C 04 2767 JW

**STIPULATION AND ~~PROPOSED~~ ORDER
WITHDRAWING PLAINTIFF GRANITE
ROCK'S MOTION TO COMPEL
ENFORCEMENT OF THE SUBPOENA OF
ROME ALOISE'S EXPENSE REPORTS
WITHOUT PREJUDICE TO PLAINTIFF'S
RIGHT TO RE-FILE SUCH MOTION**

[Civil L.R. 7-7, 7-12]

Date: March 29, 2006
Time: 9:30 a.m.
Place: Courtroom 4, 5th Floor
Judge: Hon. Richard Seeborg
Trial Date: April 11, 2006

1 On March 10, 2006, Plaintiff Granite Rock Company ("Granite Rock") filed a motion
2 to compel enforcement of a subpoena for Rome Aloise's expense reports. Pursuant to a motion to
3 shorten time, the Court scheduled the hearing on this motion for March 29, 2006.

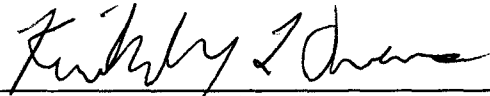
4 Subsequently, on March 14, 2006, the Court granted Defendant International
5 Brotherhood of Teamsters' motion to vacate the April 11, 2006 trial date and all pretrial deadlines in
6 this case and to stay discovery that could have been pursued in a timely manner as of March 7, 2006.

7 After this order was issued, counsel for Defendant International Brotherhood of
8 Teamsters ("IBT") requested Plaintiff Granite Rock to take all pending discovery motions off
9 calendar. Plaintiff Granite Rock informed IBT that Plaintiff did not believe the stay applied to the
10 discovery motions, but stated it would take the motion to compel enforcement of the Aloise
11 subpoena off calendar as a courtesy to IBT. Defendant IBT agreed that Plaintiff Granite Rock could
12 withdraw the Aloise motion without prejudice to re-filing the motion, if necessary, after the
13 discovery stay is lifted. Duane Beeson, counsel for Defendant Teamsters Local 287, also agreed that
14 Granite Rock could withdraw the motion to compel without prejudice to re-filing the motion.

15 Accordingly, the parties HEREBY AGREE AND STIPULATE that Plaintiff Granite
16 Rock's Motion to Compel Enforcement of the Subpoena of Rome Aloise's Expense Reports is
17 withdrawn without prejudice to Granite Rock's right to re-file such motion after the stay of
18 discovery is lifted. Such motion shall be taken off calendar and will not be heard by Magistrate
19 Judge Seeborg on March 29, 2006. The parties respectfully request the Court to so order.
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1 IT IS SO STIPULATED.

2 Dated: March 17, 2006

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5 KIMBERLY L. OWENS
6 LITTLER MENDELSON
7 A Professional Corporation
8 Attorneys for Plaintiff
9 GRANITE ROCK COMPANY

10 Dated: March _____, 2006

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DUANE B. BEESON
BEESON, TAYER & BODINE
Attorneys for Defendant
TEAMSTERS LOCAL 287

Dated: March _____, 2006

REBEKAH B. EVENSON
ALTSHULER, BERZON, NUSSBAUM,
RUBIN & DEMAIN
Attorneys for Defendant
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March _____, 2006

THE HONORABLE RICHARD SEEBORG
United States District Magistrate Judge

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1 IT IS SO STIPULATED.

2 Dated: March _____, 2006

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KIMBERLY L. OWENS
LITTLER MENDELSON
A Professional Corporation
Attorneys for Plaintiff
GRANITE ROCK COMPANY

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Dated: March 17, 2006

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: March _____, 2006

THE HONORABLE RICHARD SEEBORG
United States District Magistrate Judge

1 IT IS SO STIPULATED.


2 Dated: March _____, 2006

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5 KIMBERLY L. OWENS
6 LITTLER MENDELSON
7 A Professional Corporation
8 Attorneys for Plaintiff
9 GRANITE ROCK COMPANY

10 Dated: March _____, 2006

11 DUANE B. BEESON
12 BEESON, TAYER & BODINE
13 Attorneys for Defendant
14 TEAMSTERS LOCAL 287

15 Dated: March 16, 2006

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17 REBEKAH B. EVENSON
18 ALTSHULER, BERZON, NUSSBAUM,
19 RUBIN & DEMAIN
20 Attorneys for Defendant
21 INTERNATIONAL BROTHERHOOD OF
22 TEAMSTERS

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: March 17, 2006

25 
26 THE HONORABLE RICHARD SEEBORG
27 United States District Magistrate Judge

28 Firmwide:80911730.1 001511.1075